

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 15.2-1900, 36-19.5, 36-27, 36-48, 36-48.1, 36-49, 36-49.1,
2 36-49.1:1, 36-50.1, and 36-53 of the Code of Virginia and to amend the Code of Virginia
3 by adding sections numbered 36-27.3 and 36-27.4, relating to housing authorities;
4 power of eminent domain.

5 **Be it enacted by the General Assembly of Virginia:**

6 **1. That §§ 15.2-1900, 36-19.5, 36-27, 36-48, 36-48.1, 36-49, 36-49.1, 36-49.1:1, 36-50.1, and**
7 **36-53 of the Code of Virginia are amended and reenacted, and that the Code of Virginia**
8 **is amended by adding sections numbered 36-27.3 and 36-27.4, as follows:**

9 § 15.2-1900. Definition of public uses.

10 The For purposes of this chapter, the term "public uses" mentioned in Article I, Section
11 11 of the Constitution of Virginia is hereby defined to embrace all uses which are necessary for
12 public purposes; however, a taking of property by a locality pursuant to Chapter 1 (§ 36-1 et
13 seq.) of Title 36 is not for a public use if such taking, if it had been made by a housing
14 authority, is prohibited by § 36-27.3 or, if it had been made by a housing authority, is not for a
15 public use as provided pursuant to § 36-27.4.

16 § 36-19.5. Additional powers.

17 A. In addition to the powers otherwise granted, an authority may acquire, subject to prior
18 approval, after public hearing, of each such acquisition by the governing body of the county,
19 city or town wherein the property to be acquired is located, any single-family or multi-family
20 dwelling unit within the authority's area of operation by purchase, lease, or gift or through the
21 exercise of the power of eminent domain as provided in subsection B of this section, for
22 development and redevelopment including, but not limited to, the renovation, rehabilitation and
23 disposition thereof, when such authority has determined: (i) that such dwelling unit or other
24 structure has deteriorated to such extent as to constitute a serious and growing menace to the

public health, safety and welfare; (ii) that such dwelling unit or other structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such dwelling unit or other structure may contribute to the blighting or deterioration of the area immediately surrounding the said dwelling unit or other structure; and (iv) that the owner of such dwelling unit or other structure, after sixty days' notice to the landowner by certified mail, citing § 36-19.5, has failed to correct the deterioration thereof.

B. A local governing body may, on behalf of an authority, acquire through the exercise of the power of eminent domain any single-family or multi-family dwelling unit within the authority's area of operation, but only for those purposes set forth in subsection A of this section and subject to the provisions of § 36-27.3.

§ 36-27. Eminent domain.

A. Unless prohibited by § 36-27.3, an authority shall have the right to acquire by the exercise of the power of eminent domain any real property which may be necessary for the purposes of such authority under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1. The commissioners before which condemnation proceedings are conducted may hear evidence as to the value of the property including but not limited to the owner's appraisal and the effect that any pending application for a zoning change, special use permit application or variance application may have on the value of the property. The court may also determine whether there has been unreasonable delay in the institution of the proceedings after public announcement by the condemnor of a project that necessitates acquisition by the condemnor of a designated land area consisting of or including the land sought to be condemned. If the court determines that such unreasonable delay has occurred, it shall instruct the commissioners in such proceedings to allow any damages proved to their satisfaction by the landowner or landowners to have been sustained to his or their land during and because of such delay, in addition to and separately from the fair market value thereof, but

such damages shall not exceed the actual diminution if any in fair market value of the land in substantially the same physical condition over the period of the delay. This provision shall not apply to any such public announcement made prior to July 1, 1960.

B. Prior to the adoption of any redevelopment plan pursuant to § 36-49 or any conservation plan pursuant to § 36-49.1, an authority shall send by certified mail, postage prepaid, to at least one of the owners of every parcel of property to be acquired pursuant to such plan a notice advising such owner that (i) the property owned by such owner is proposed to be acquired ~~and~~; (ii) such owner will have the right to contest determinations made by the authority, including a determination that the property is blighted or is located in a blighted area, as provided in § 36-27.3; (iii) such owner will have the right to contest whether the taking of the property is for a public use as provided in § 36-27.4; and (iv) such owner will have the right to appear in any condemnation proceeding instituted to acquire the property and present any defense which such owner may have to the taking. Such notice shall not be the basis for eligibility for relocation benefits. At the time it makes its price offer, the authority shall also provide to the property owner a copy of the appraisal of the fair market value of such property upon which the authority has based the amount offered for the property, which appraisal shall be prepared by a certified general real estate appraiser licensed in accordance with Chapter 20.1 (§ 54.1-2009 et seq.) of Title 54.1.

C. In all such cases the proceedings shall be according to the provisions of Chapter 2 (§ 25.1-200 et seq.) of Title 25.1, so far as they can be applied to the same. No real property belonging to the city, the county, the Commonwealth or any other political subdivision thereof may be acquired without its consent.

§ 36-27.3. Acquisition of property by eminent domain; subsequent transfer to a private entity.

A. As used in this section:

Property is "blighted" or is in a "blighted area" if the property, or the area in which it is located, based on present condition and use, is detrimental to the safety, health, morals or welfare of the community by reason of the presence of at least five of the following 10 factors:

1. The location of the property in a slum as defined in § 36-3;

2. Predominance of defective or inadequate street layout;

3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

4. Unsanitary or unsafe conditions;

5. Deterioration of site or other improvements;

6. Unusual topography or inadequate public improvements or utilities;

7. Defective or unusual conditions of title rendering the title nonmarketable;

8. The existence of conditions that endanger life or property by fire or other causes;

9. Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities; or

10. Environmental contamination of buildings or property.

However, if there is no objection by the owner or owners of property and the tenant or tenants of such owner or owners, if any, to the acquisition of the property for a redevelopment project or conservation project, property is "blighted" or is in a "blighted area" if the property, or the area in which it is located, includes buildings or improvements that, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community. The fact that an owner of an interest in such property does not object to the acquisition of such property shall not be construed to mean that the owner has waived any rights of such owner in connection with laws governing the acquisition of the property by exercise of the power of eminent domain.

103 "Private entity" means an individual, corporation, partnership, limited liability company,
104 trust, association, or any other private entity.

105 "Property" means a fee ownership interest in real property.

106 B. In addition to all other requirements and conditions of applicable law regarding the
107 authorization of an authority to acquire property through exercise of the power of eminent
108 domain pursuant to this chapter, an authority shall not acquire property through exercise of the
109 power of eminent domain if the authority intends that the property will be subsequently
110 transferred to a private entity, whether or not a redevelopment plan or conservation plan
111 prepared in accordance with § 36-51 or § 36-51.1 designates the property as land that will be
112 made available after acquisition to private enterprise for redevelopment, unless, prior to such
113 acquisition:

114 1. The owner of the property consents in writing to the acquisition of such person's
115 property by the authority through exercise of the power of eminent domain; or

116 2. Both of the following conditions are satisfied:

117 a. The authority determines, based on reasonably current information, that the property
118 is blighted or is located in a blighted area, and, if applicable, a redevelopment project or
119 conservation project for which the property is being acquired shall be commenced no later than
120 seven years from the date the blight determination is made; and

121 b. In the case of multiple parcels to be acquired by the authority in connection with a
122 redemption project or conservation project, at least one of which is owned by an owner
123 refusing or rejecting an offer for the acquisition of the parcel, the authority determines that the
124 redemption project or conservation project involving the remaining parcels is not viable
125 without the parcel at issue.

126 C. Property acquired after July 1, 2005, by an authority through exercise of the power
127 of eminent domain under this chapter without the intent that it be subsequently transferred to a
128 private entity shall not be subsequently conveyed or leased to a private entity unless:

129 1. The owner of the property consented in writing to the acquisition of such person's
130 property by the authority through exercise of the power of eminent domain;

131 2. The authority determines that the property is no longer necessary for the public use
132 for which it was originally acquired, and the authority first offers to sell the property to the
133 owner from whom it was acquired, if the owner can be located, at a price that does not exceed
134 that paid by the authority and the owner declines to exercise such right of first refusal;

135 3. The owner from whom the property was acquired requested at the time of its
136 acquisition, or pleaded in an eminent domain proceeding, that the authority also acquire
137 property that was not essential to the purpose of the acquisition on the basis that acquiring
138 less property would leave the owner of the property holding an uneconomic remnant; or

139 4. Each of the following conditions is satisfied:

140 a. The authority determines, based on reasonably current information, that the property
141 is blighted or is located in a blighted area, and, if applicable, a redevelopment project or
142 conservation project for which the property is being acquired shall be commenced no later than
143 seven years from the date the blight determination is made;

144 b. Not later than the commencement of the negotiation of an agreement for
145 redevelopment or conservation of property acquired or to be acquired by eminent domain, the
146 authority provides notice and invites proposals for redevelopment or conservation of the
147 property from all property owners, residents, and owners of businesses located on the property
148 acquired or to be acquired by eminent domain in the project area by mailing notice to their last
149 known address of record. The authority may also at the same time invite proposals for
150 redevelopment or conservation from other interested persons and may provide public notice
151 thereof by publication in a newspaper having general circulation within the locality in which the
152 property is located; and

153 c. In the case of multiple parcels to be acquired by the authority in connection with a
154 redevelopment project or conservation project, at least one of which is owned by an owner
155 refusing or rejecting an offer for the acquisition of the parcel, the authority determines that the

156 redevelopment project or conservation project involving the remaining parcels is not viable
157 without the parcel at issue.

158 D. An owner of the property may challenge the authority's determinations under
159 subdivision B. 2. a and b, and any former owner of property acquired by the authority may
160 challenge the authority's determinations under subdivisions C. 4. a and c, as appropriate, by
161 bringing, not later than 30 days after such determinations are made, a civil action in circuit
162 court for judicial review of such determinations. In any such action, the authority shall have the
163 burden of proving, by clear and convincing evidence, that (i) the property is located in a
164 blighted area or the property is blighted; (ii) that if the property is being acquired for a
165 redevelopment project or conservation project, the project will be commenced no later than
166 seven years from the date the blight determination is made; and (iii) if multiple parcels are
167 intended to be acquired by the authority in connection with a redevelopment project or
168 conservation project, at least one of which is owned by the owner refusing or rejecting an offer
169 for the acquisition of such owner's parcel, the project involving the remaining parcels is not
170 viable without the parcel at issue. The authority's determinations on any of these issues shall
171 not be entitled to any presumption of validity.

172 § 36-27.4. When acquisitions not for public use.

173 A. In addition to any other criteria for determining whether an acquisition of property is
174 for public use, the acquisition by an authority of property pursuant to this chapter shall not be
175 for a public use if such acquisition (i) is made with the intent of making the property available
176 for ownership or use by a private entity unless any benefits that will accrue to the private entity
177 as a result of its ownership or use of the property are merely incidental when compared to the
178 benefits that will accrue to the public from the abatement of the slums, conditions of blight, or
179 other public use for which the authority is expressly authorized by this chapter to acquire
180 property; or (ii) is otherwise predominantly for a private purpose.

181 B. In any action by an owner of property contesting whether the acquisition of property
182 by an authority through exercise of the power of eminent domain is for a public use, the

authority shall have the burden of proving, by clear and convincing evidence, that the acquisition is for a public use. The authority's actions shall not be entitled to any presumption of validity.

§ 36-48. Finding and declaration as to blighted, etc., areas.

It is hereby found and declared: that there exist in many communities within this Commonwealth blighted areas (as herein defined) which impair economic values and tax revenues, cause an increase in and spread of disease and crime, and constitute a menace to the health, safety, morals and welfare of the residents of the Commonwealth; that the clearance, replanning, rehabilitation and reconstruction of such blighted areas and the sale or lease of land and the acquisition and operation of residential housing units for low, moderate and middle income persons within such areas for redevelopment in accordance with locally approved redevelopment plans and in accordance with § 36-27.3 are necessary for the public welfare and are public uses and public purposes for which public money may be spent and private property acquired by purchase or the power of eminent domain, and are governmental functions of grave concern to the Commonwealth; that there are also certain areas where the condition of title, diverse ownership of the land to be assembled, the street or lot layouts, or other conditions prevent a proper development of the land and that it is in the public interest that areas described in this section, as well as blighted areas, be acquired by eminent domain and made available for sound and wholesome development in accordance with a redevelopment plan, and that the exercise of the power of eminent domain, if such exercise is made subject to the provisions of § 36-27.3, and the financing of acquisition and preparation of the land by a public agency for such redevelopment is likewise a public use and purpose.

§ 36-48.1. Findings and declarations reaffirmed; further findings and declarations.

A. The findings and declarations made in § 36-48 are hereby reaffirmed and it is hereby further found and declared that: Certain blighted, deteriorated or deteriorating areas, or portions thereof, are, through the means hereinafter provided, susceptible of conservation through appropriate public action and the elimination or prevention of the spread or increase of

blight or deterioration in such areas is necessary for the public welfare and is a public purpose for which public money may be spent and private property acquired by purchase or by the power of eminent domain in accordance with § 36-27.3, and is a governmental function of grave concern to the Commonwealth.

B. It is also found and declared that: Areas adjacent to blighted, deteriorated or deteriorating areas are susceptible to the spread of such conditions and although such areas have not reached such extreme proportions of blight or deterioration, certain indications of deterioration are evident and it is hereby determined to be within the best interest of the Commonwealth, that such areas be assisted through loan and grant programs to prevent further deterioration.

§ 36-49. Undertakings constituting redevelopment projects.

Any authority now or hereafter established, in addition to other powers granted by this or any law, is specifically empowered to carry out any work or undertaking (hereafter called a "redevelopment project"), provided that any acquisition of real property shall be subject to § 36-27.3:

1. To acquire blighted or deteriorated areas, which are hereby defined as areas (including slum areas) with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community;

2. To acquire other real property for the purpose of removing, preventing, or reducing blight, blighting factors or the cause of blight;

3. To acquire real property where the condition of the title, the diverse ownership of the real property to be assembled, the street or lot layouts, or other conditions prevent a proper development of the property and where the acquisition of the area by the authority is necessary to carry out a redevelopment plan;

237 4. To permit the preservation, repair, or restoration of buildings of historic interest; and
238 to clear any areas acquired and install, construct, or reconstruct streets, utilities, and site
239 improvements essential to the preparation of sites for uses in accordance with the
240 redevelopment plan;

241 5. To provide for the conservation of portions of the project area and the rehabilitation to
242 project standards as stated in the redevelopment plan of buildings within the project area,
243 where such rehabilitation is deemed by the authority to be feasible and consistent with project
244 objectives;

245 6. To make land so acquired available to private enterprise or public agencies (including
246 sale, leasing, or retention by the authority itself) in accordance with the redevelopment plan,
247 provided that land acquired by an authority through exercise of the power of eminent domain
248 after July 1, 2005, shall not be subsequently conveyed or leased to private enterprise except
249 as provided in subsection C of § 36-27.3;

250 7. To assist the reconstruction of project areas by making loans or grants of funds
251 received from any public or private source, for the purpose of facilitating the construction,
252 reconstruction, rehabilitation or sale of housing or other improvements constructed or to be
253 constructed on land situated within the boundaries of a redevelopment project;

254 8. To acquire, construct or rehabilitate residential housing developments for occupancy
255 by persons of low, moderate and middle income to be owned, operated, managed, leased,
256 conveyed, mortgaged, encumbered or assigned by an authority. Income limits for such
257 persons shall be determined for each redevelopment project by an authority by resolution
258 adopted by a majority of its appointed commissioners, shall be adjusted for household size and
259 may be revised as an authority deems appropriate. In connection with a residential housing
260 development, an authority shall have all rights, powers and privileges granted by subdivision 4
261 of § 36-19, and shall establish rental rates in accordance with § 36-21. This subdivision shall
262 apply only to (i) a redevelopment and housing authority created by joint resolution adopted by
263 a city council of a city on September 27, 1940, and a board of aldermen of a city on October 1,

1940, and approved by the mayor of a city on October 3, 1940, and (ii) a redevelopment and housing authority created by a November 2, 1965, referendum, the initial commissioners of which were appointed by a February 23, 1966, board of supervisors resolution; and

9. To accomplish any combination of the foregoing to carry out a redevelopment plan.

§ 36-49.1. Preparation and adoption of "conservation plan" by cities, counties and towns; authority to carry out "conservation project"; public hearing prior to approval of plan.

Whenever it appears to the governing body of any county, city or town that a portion of such city, county or town is deteriorating and may be eligible for conservation as provided by this section, and such governing body adopts a resolution so declaring, an authority may, in addition to other powers granted by this or any other law, investigate such portion of the locality and select slum, blighted, deteriorated or deteriorating areas and prepare a plan for the conservation thereof to be known as a "conservation plan." Upon approval of such plan by the governing body of the city, county or town, the authority is specifically empowered to do the following in order to carry out the work or undertaking as called for in such plan (hereinafter called a "conservation project"), provided that any acquisition of real property shall be subject to § 36-27.3:

1. To acquire property within such areas which is blighted, designated for public use in the conservation plan, or the use or condition of which is inconsistent with the purposes of the conservation plan or the provisions of the zoning ordinance or code of the city, county or town;

2. To rehabilitate or clear property so acquired;

3. To provide for the installation, construction or reconstruction of streets, utilities, parks, parking facilities, playgrounds, public buildings and other site improvements essential to the conservation or rehabilitation planned;

4. To make land or improvements so acquired available to private enterprise or public agencies (by sale, lease or retention of ownership by the authority itself), provided that land acquired by an authority through exercise of the power of eminent domain after July 1, 2005,

290 shall not be subsequently conveyed or leased to private enterprise except as provided in
291 subsection C of § 36-27.3;

292 5. To assist the reconstruction of project areas by making loans or grants of funds
293 received from any public or private source, for the purpose of facilitating the construction,
294 reconstruction, rehabilitation or sale of housing or other improvements constructed or to be
295 constructed on land situated within the boundaries of a conservation project;

296 6. To encourage and assist property owners or occupants within the conservation area
297 to improve their respective holdings, by suggesting improved standards for design,
298 construction, maintenance and use of such properties and offering encouragement or
299 assistance in other ways including the power to lend money and make grants to owners or
300 occupants, directed toward prevention and elimination of blight;

301 7. To acquire, construct or rehabilitate residential housing developments for occupancy
302 by persons of low, moderate and middle income to be owned, operated, managed, leased,
303 conveyed, mortgaged, encumbered or assigned by an authority. Income limits for such
304 persons shall be determined for each conservation project by an authority by resolution
305 adopted by a majority of its appointed commissioners, shall be adjusted for household size and
306 may be revised as an authority deems appropriate. In connection with a residential housing
307 development, an authority shall have all rights, power and privileges granted by subdivision 4
308 of § 36-19, and shall establish rental rates in accordance with § 36-21. This subdivision shall
309 apply only to (i) a redevelopment and housing authority created by joint resolution adopted by
310 a city council of a city on September 27, 1940, and a board of aldermen of a city on October 1,
311 1940, and approved by the mayor of a city on October 3, 1940, and (ii) a redevelopment and
312 housing authority created by a November 2, 1965, referendum, the initial commissioners of
313 which were appointed by a February 23, 1966, board of supervisors resolution; and

314 8. The governing body shall conduct a public hearing prior to approval of a conservation
315 plan.

316 § 36-49.1:1. Spot blight abatement authorized; procedure.

317 A. Notwithstanding any other provision of this article, an authority, or any locality, shall
318 have the power to acquire or repair any blighted property, as defined in § 36-49, whether
319 inside or outside of a conservation or redevelopment area, by exercise of the powers of
320 eminent domain provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1, and, further, shall
321 have the power to hold, clear, repair, manage or dispose of such property for purposes
322 consistent with this title. In addition, the locality shall have the power to recover the costs of
323 any repair or disposal of such property from the owner. This power shall be exercised only in
324 accordance with the procedures set forth in this section and in accordance with the
325 requirements of § 36-27.3.

326 B. The chief executive or designated agency or authority of the locality shall make a
327 preliminary determination that a property is blighted in accordance with this article. It shall
328 notify the owner, specifying the reasons why the property is considered blighted. The owner
329 shall have 30 days within which to respond with a plan to cure the blight within a reasonable
330 time.

331 C. If the owner fails to respond within the 30-day period with a plan that is acceptable to
332 the chief executive of the agency, authority or locality, the agency, authority or locality (i) may
333 request the local planning commission to conduct a public hearing and make findings and
334 recommendations that shall be reported to the governing body of the locality concerning the
335 repair or other disposition of the property in question and (ii) in the event a public hearing is
336 scheduled, shall prepare a plan for the repair or other disposition of the property.

337 D. Not less than three weeks prior to the date of the public hearing before the planning
338 commission, the commission shall provide by regular and certified mail, notice of such hearing
339 to (i) the owner of the blighted property or the agent designated by him for receipt of service of
340 notices concerning the payment of real estate taxes within the locality; (ii) the abutting property
341 owners in each direction, including those property owners immediately across the street or
342 road from the property; and (iii) the representative neighborhood association, if any, for the
343 immediate area. The notice shall include the plan for the intended repair or other disposition of

the property. The notice of the public hearing shall be published at least twice, with not less than six days elapsing between the first and second publication in a newspaper published or having general circulation in the locality in which the property is located. The notice also shall be posted on the property. The notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not less than six days nor more than 21 days after the second publication.

E. The planning commission shall determine whether:

1. The owner has failed to cure the blight or present a reasonable plan to do so;

2. The property is blighted;

3. The plan for the repair or other disposition of the property is in accordance with the locally adopted comprehensive plan, zoning ordinances, and other applicable land use regulations; and

4. The property is located within an area listed on the National Register of Historic Places. In such instances, the planning commission shall consult with the locally established architectural review board, if any, regarding the proposed repair or other disposition of the property by the authority or governing body.

F. The planning commission shall report its findings and recommendations concerning the property to the governing body. The governing body, upon receipt of such findings and recommendations, may, after an advertised public hearing, affirm, modify, or reject the planning commission's findings and recommendations. If the repair or other disposition of the property is approved, the authority, agency or locality may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this section, and applicable law. The locality shall have a lien on all property so repaired or acquired under an approved plan to recover the cost of (i) improvements made by such locality to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any. The lien authorized by this subsection shall be filed in the circuit court where the property is located and shall be subordinate to any prior liens of record. The

governing body may recover its costs of repair from the owner of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner. If the property is acquired by the governing body through eminent domain, the cost of repair may be recovered when the governing body sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.

G. Notwithstanding the provisions of this section, unless otherwise provided for in Title 36, if the blighted property is occupied for personal residential purposes, the governing body, in approving the plan, shall not allow for an acquisition of such property if it would result in a displacement of the person or persons living in the premises. The provisions of this subsection shall not apply to acquisitions, under an approved plan, by any locality of property which has been condemned for human habitation for more than one year. In addition, such locality exercising the powers of eminent domain in accordance with Title 25.1, may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such person.

H. In lieu of the acquisition of blighted property by the exercise of the powers of eminent domain as herein provided, and in lieu of the exercise of other powers granted in subsections A through F, a locality may, by ordinance, declare any blighted property as defined in § 36-49 to constitute a nuisance, and thereupon abate the nuisance pursuant to § 15.2-900 or § 15.2-1115. Such ordinance shall be adopted only after written notice by certified mail to the owner or owners at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records.

I. The provisions of this section shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.

§ 36-50.1. Authority as to execution of "conservation plan" generally.

In connection with the execution of a conservation plan, an authority shall have all of the powers and responsibilities vested in or imposed upon it in connection with redevelopment projects under this chapter, with the exception that the power of eminent domain shall not be

exercised in connection with a conservation project except to acquire (1) properties designated for public use in the conservation plan, or (2) properties which are determined by the authority to be in violation of the standards for design, construction, maintenance and use of property set out in the conservation plan for the project in which such property is situate, and which have not been made to comply with such standards within one year after a written request to rehabilitate to project standards is given to the owner by the authority, or (3) properties as to which voluntary conveyance cannot be effected in the course of the execution of the conservation plan because of the inability of the owners to convey marketable title, or (4) properties which are infeasible of rehabilitation or because of dilapidation, obsolescence, faulty arrangement or design, street or lot layout, deleterious land use or a combination thereof exert a blighting influence on adjacent properties or prevent proper development of land so as to inhibit or prevent accomplishment of the purposes of the conservation plan. These limitations on the exercise of the power of eminent domain in connection with a conservation project shall be in addition to the restrictions set forth in § 36-27.3.

§ 36-53. Making property available for conservation or redevelopment.

An authority may make land in a conservation or redevelopment project available for use by private enterprise or public agencies in accordance with the conservation or redevelopment plan, subject to the requirements of § 36-27.3. Such land may be made available at its fair value, which represents the value (whether expressed in terms of rental or capital price) at which the authority determines such land should be made available in order that it may be developed, conserved or redeveloped for the purposes specified in such plan.

To assure that land acquired in a conservation or redevelopment project is used in accordance with the conservation or redevelopment plan, an authority, upon the sale or lease of such land, shall obligate purchasers or lessees: (1) to use the land for the purpose designated in the conservation or redevelopment plan; (2) to begin the building of their improvements within a period of time which the authority fixes as reasonable; and (3) to comply with such other conditions as are necessary to carry out the purposes of this chapter.

425 Any such obligations by the purchaser shall be covenants and conditions running with the land
426 where the authority so stipulates.

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